IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 659 of 2004

Between:

Patnam Narayana, S/o Ankanna,
R/o Rudrampeta, H/o Kakkalapalli, Anantapur Mandal,
Anantapur District.

..... PETITIONER

AND

1 Mandal Revenue Officer, Anantapur Mandal, Anantapur,
Anantapur District.
2 The District Collector, Anantapur District, Anantapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the impugned order of the 1st respondent dated 16-12-2003 in Proceedings Rc.No.(B) 659/2002 resuming the petitioners land to an extent of Ac.1-92 cents in Sy.No.32-3 of Kakkalapalli Village, Anantapur Mandal, Anantapur District, as illegal, arbitrary, violative of Principles of Natural Justice and also violative of Articles 14,16,21 and 300-A of the Constitution of India and consequently set aside the same.

Counsel for the Petitioner:MR.M.PRASADA RAO

Counsel for the Respondent No.1 & 2: GP FOR ASSIGNMENT

The Court made the following :

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ORDER:

This Writ Petition is filed questioning the proceedings dated 16.12.2003 of the Mandal Revenue Officer, Anantapur Mandal-first respondent herein, whereby the land assigned in favour of mother of the petitioner Smt. Patnam Nagamma, W/o. Ankanna, is resumed to the Government under sub-section (1) (b), Section 4 of A.P. Assigned Lands (Prohibition of Transfers) Act 9 of 1977.

Learned counsel for the petitioner submits that the impugned order of resumption of the assigned land to the Government is not legal and proper and the same is liable to be set aside. He further submits that the explanation submitted by the writ petitioner to the show-cause notice has not been properly appreciated by the Mandal Revenue Officer and thereby committed error in ordering resumption of assigned land to the Government.

On the other hand, learned Government Pleader for Assignment submits that the writ petitioner having not chosen to avail the statutory remedy available under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, has directly approached this Court and therefore, the writ petition is liable to be dismissed *in limini*.

It is no more in dispute that the writ petitioner has filed explanation to the show-cause notice issued by the Mandal Revenue Officer before resumption of the assigned land to the Government. The Mandal Revenue Officer after duly considering the explanation passed the impugned order. Such is the case, there is a statutory remedy available to the writ petitioner under Section 4-A of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. Therefore, the writ petition filed by the petitioner challenging the impugned order is misconceived and the same is liable to

be dismissed.

Accordingly, the writ petition is dismissed. No costs.

B.SESHASAYANA REDDY, J

13th JUNE, 2005.

Tsr.

To

1 Mandal Revenue Officer, Anantapur Mandal, Anantapur, Anantapur District.
2 The District Collector, Anantapur District, Anantapur.

3 Two CCs to Government Pleader for Assignment, High Court Buildings, Hyderabad. (OUT).

4 Two CD copies.